

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION**

DAVID HALL,

Plaintiff,

-vs-

CASE NO. \_\_\_\_\_

RETRIEVAL-MASTERS CREDITORS  
BUREAU, INC., DBA AMERICAN  
MEDICAL COLLECTION AGENCY,  
and,

QUEST DIAGNOSTICS, INC.

Defendants.

\_\_\_\_\_/

UAW-GM Legal Services Plan  
By: SHARON M. WITHERS P32691  
LIBRADO GAYTON P-28739  
KATHY D. KIHATA P41422  
Attorneys for Plaintiff  
503 North Euclid Avenue, Suite 9-D  
Bay City, Michigan 48706  
(989) 684-3300

\_\_\_\_\_/

**COMPLAINT**

The Complaint of David Hall by his attorneys, UAW-GM Legal Services Plan,  
is as follows:

**INTRODUCTION**

1. This is an action for actual damages and statutory damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 USC 1692 et seq., ("FDCPA") and the Michigan Collection Practices Act, MCLA 339.901, et

seq., ("MCPA"), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

### **JURISDICTION**

2. Jurisdiction of this court arises under 15 USC 1692k(d) and 28 USC 1331 and under the supplemental jurisdiction as set forth in 28 USC 1367.

### **PARTIES**

3. Plaintiff DAVID HALL is a natural person currently residing in Saginaw, Michigan and is a "consumer" within the meaning of the Fair Debt Collection Practices Act.

4. Defendant RETRIEVAL-MASTERS CREDITORS BUREAU, INC., DBA AMERICAN MEDICAL COLLECTION AGENCY is a New York corporation with its principal place of business located in Elmsford, New York. RETRIEVAL-MASTERS CREDITORS BUREAU, INC., DBA AMERICAN MEDICAL COLLECTION AGENCY regularly attempts to collect consumer debts asserted to be due another.

5. Defendant QUEST DIAGNOSTICS, INC. is a Delaware corporation with its principal place of business located in Madison, New Jersey. QUEST DIAGNOSTICS, INC. regularly attempts to collect consumer debts both in house and with the assistance of third parties such as Defendant Retrieval-Masters Creditors Bureau, Inc.

### **FACTS**

6. Defendants communicated, or caused to be communicated, by letters to Plaintiff in an attempt to collect a consumer debt of a third party, namely the wife of Plaintiff, allegedly due to Quest Diagnostics on or about February 3, 2014. Exhibit A.

7. On or about May 16, 2013, Plaintiff's wife, Patricia Hall had a routine medical test done for women only, which costs for such tests are covered benefits under Plaintiff's Blue Cross Blue Shield health insurance carrier.

8. Defendant Quest failed to properly bill Blue Cross Blue Shield and by letter addressed to Plaintiff on September 18, 2013, Exhibit B, sent a dunning notice addressed to Plaintiff even though Plaintiff is not the responsible party, did not receive the services, has not signed any documents agreeing to pay said debt, and has not in any way assumed the responsibility for this debt.

9. From the period Sept. 18<sup>th</sup> to then end of 2013, Plaintiff repeatedly communicated to Defendants that said bill belonged only to Patricia Hall, yet despite Plaintiff's repeated requests, Defendant Quest refused or failed to correct its records and instead ultimately referred the matter to Defendant Retrieval-Masters Creditors Bureau, Inc., DBA American Medical Collection Agency and has caused this alleged debt to appear on Plaintiff's consumer credit reports.

10. Defendant Quest by letter with a due date of October 9, 2013, Exhibit C, sent a "FOURTH NOTICE" to Plaintiff demanding payment of the alleged debt and threatening further collection action.

11. During the period beginning in October, 2013 to February, 2014, Plaintiff received at least four dunning letters Exhibits A, D, E, and F, on the alleged debt in question from Defendant Retrieval-Masters Creditors Bureau, Inc., DBA American Medical Collection Agency, despite Plaintiff's repeated communications to both Defendants that the debt was not his and that it was his wife, Patricia Hall, that incurred the service and was the sole responsible party.

12. In attempting to collect the alleged debt, Defendants used methods involving harassment and abuse, including the following: repeatedly attempting to collect a third party's debt that Plaintiff did not owe, agree to pay or in any manner assume responsibility for.

13. In a collection communication with Plaintiff, Defendants threatened to communicate false credit information about Plaintiff.

14. In a collection communication with Plaintiff, Defendants made false and misleading statements, including the following: falsely asserting that Plaintiff owed a debt to Quest Diagnostics, Inc., when Defendant knew, or should have known, it was not his.

15. As a result of Defendants' actions in violation of collection statutes, Plaintiff suffered emotional distress and mental anguish.

16. As a result of Defendants' actions in violation of collection statutes, Plaintiff suffered the following actual damages: higher costs of credit on subsequent consumer loans.

**COUNT I**  
**FAIR DEBT COLLECTION PRACTICES ACT**

17. Plaintiff realleges and incorporates by reference all of the above paragraphs.

18. In attempting to collect the alleged debt from Plaintiff, Defendants have committed violations of the Fair Debt Collection Practices Act, 15 USC 1692 et seq., including, but not limited to, the following:

A. Engaging in harassing, oppressive or abusive conduct. 15 USC 1692d.

B. Threatening to take action that cannot be legally taken or is not intended to be taken. 15 USC 1692e(5).

C. Using false, representation or deceptive means to collect a debt or to obtain information about the Plaintiff. 15 USC 1692e(10).

**COUNT II**  
**MICHIGAN COLLECTION PRACTICES ACTS**

19. Plaintiff realleges and incorporates by reference all of the above paragraphs.

20. Defendant Retrieval-Masters Creditors Bureau, Inc., DBA American Medical Collection Agency is a collection agency, and Defendant Quest Diagnostics, Inc., a provider of medical servicers, are both engaged in collecting an alleged consumer debt and are covered by the one of the Michigan Collection Practices Acts (MCPAs), MCLA 339.911, et seq., which applies to collection agencies, or by MCLA 445.251, et seq., which also applies to creditors.

21. In their attempts to collect the alleged debt, Defendants committed acts prohibited by the MCPAs, including, but not limited to the following:

A. Using a harassing, oppressive or abusive method to collect a debt. MCLA 339.915 (n) and MCLA 445.252(n).

B. Making an inaccurate, misleading, untrue or deceptive statement or claim. MCLA 339.915 (e) and MCLA 445.252 (e).

22. Plaintiff has suffered injury, loss and damage as the result of Defendants' failure to respect Plaintiff's rights and the privacy interests and expectations protected by the Michigan Acts.

23. Plaintiff has, in addition, suffered substantial actual damages, including emotional distress and humiliation.

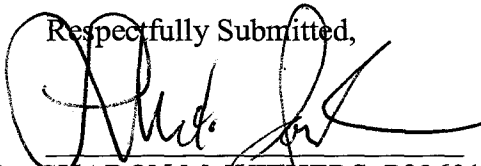
24. Defendants' violations of the Michigan Acts were willful, giving rise to treble damages.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against the Defendants for:

- A. Actual damages, including for emotional distress;
- B. Statutory damages, costs and reasonable attorneys' fees pursuant to 15 USC 1692k;
- C. State Act statutory damages pursuant to Michigan Collection Practices Acts;
- D. Treble damages, for willful violations, plus costs and reasonable attorneys' fees pursuant to the Michigan Collection Practices Acts;
- E. Such other and further relief as may be just and proper.

Dated: January 30, 2015

Respectfully Submitted,



By: SHARON M. WITHERS P32691  
LIBRADO GAYTON P-28739  
KATHY D. KIHATA P41422  
UAW-GM Legal Services Plan  
503 North Euclid Avenue, Suite 9-D  
Bay City, Michigan 48706  
(989) 684-3300

4 Westchester Plaza Suite 110, Elmsford, NY 10523

04 L4Q AUA 868 8622789080

DAVID HALL  
603 DAVENPORT AVE  
SAGINAW, MI 48602-5616Pin Number: [REDACTED]  
1-800-365-3638  
1-914-345-7125

February 03, 2014

Dear David Hall:

We have written to you repeatedly concerning your debt of **\$97.50**. You have neither paid the invoice nor written to dispute the validity of the debt.

As a result, this agency makes an **IMMEDIATE DEMAND** for payment in full. If payment is not made within twenty-one (21) days, your account will be reviewed for additional collection efforts.

You can avoid further collection efforts by sending your payment now. Please enclose the bottom portion of this letter so your account can be properly credited.

1794-AMCA-136269-64558043-P; 232822-2-359; 34130948-1; 1

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Detach and return this portion with payment using enclosed envelope

**Amount Due: \$97.50**Service Provider: **Quest Diagnostics Incorporated**Date of Service: **May 16, 2013**Invoice Number: **8622789080**

Pin Number: [REDACTED]

Name: David Hall  
Street Address: 603 Davenport Ave  
City, State Zip: Saginaw, MI 48602To pay online: [www.pay.amcaonline.com](http://www.pay.amcaonline.com)☐ VISA☐ MASTERCARD

Card #:

Exp. Date:

Amount:

Signature:

Client Code: AUA

Account: 8622789080

AccountPay Number: [REDACTED]

L4Q AUA 868

AMCA  
PO BOX 1235  
ELMSFORD, NY 10523-0935

AUA097508622789080+++++2

EXHIBIT A

STATUS: PAYMENT OVERDUE

00000196-A



Quest  
Diagnostics  
4444 GIDDINGS RD  
AUBURN HILLS, MI 48326

AB 01 031747 40858 E 113 A



23200845 AUM  
DAVID HALL  
603 DAVENPORT AVE  
SAGINAW, MI 48602-5616

**PAY NOW** at [www.QuestDiagnostics.com/bill](http://www.QuestDiagnostics.com/bill)  
Check your balance and make payments 24 hours a day through  
our secure website [www.QuestDiagnostics.com/bill](http://www.QuestDiagnostics.com/bill) or by using  
our automated phone system at 1-800-678-6754.

**Customer Service** - WEEKDAYS CLOSED 12:30-1:30PM  
08:00 AM - 05:00 PM EST

**Phone:**  
1-800-678-6754

**Fax:**  
1-248-377-2773

**Send letters only to:**

Quest Diagnostics  
4444 GIDDINGS RD  
AUBURN HILLS, MI 48326

**Send payments only to:**

Quest Diagnostics  
P.O. BOX 740020  
CINCINNATI, OH 45274-0020

September 18, 2013

Patient Name: PATRICIA HAL  
Lab Code: AUM  
Invoice Number: 8622789080  
Date of Service: May 16, 2013  
Amount Due: \$97.50

Re: Insurance Denial-Payment Due

Dear DAVID HALL:

Thank you for contacting us. Your insurance carrier denied payment indicating your policy maximum has been met, or, the services exceed the maximum number allowed by your policy. Please contact your insurance carrier with any questions.

Please submit payment for the amount due. If paying by check, please write the invoice number on your check to ensure proper credit is applied. You may also pay by credit card, via phone or at our secure website, [www.QuestDiagnostics.com/bill](http://www.QuestDiagnostics.com/bill).

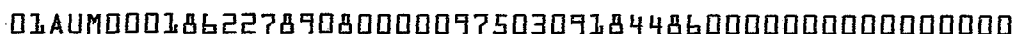
Thank you for using Quest Diagnostics. We look forward to serving you in the future.

Sincerely,

*Patient Billing Customer Service*

EXHIBIT B





AMERICAN MEDICAL COLLECTION AGENCY  
4 Westchester Plaza, Building 4  
Elmsford, NY 10523

**AMCA**  
COLLECTION AGENCY

01 L1Q AJA 868 8622789080

DAVID HALL  
603 DAVENPORT AVE  
SAGINAW, MI 48602-5616



Pin Number: [REDACTED]  
1-800-365-3638  
1-914-345-7125

October 22, 2013

Dear David Hall:

We have been authorized to contact you regarding your past due account for laboratory tests ordered by your physician. These charges were not included in any invoices you received from your doctor or hospital, but were billed directly by our client.

If a claim has already been filed with your insurance company, it may have been denied or only have not paid as agreed and, therefore, owe this remaining balance.

**Your response may prevent further collection activity.**

Your payment in full in the amount of **\$97.50** should be sent in the enclosed envelope made payable to American Medical Collection Agency.

See the reverse side of this letter for important information about your rights. If you do not respond, you will be subject to additional collection efforts.

1794-AMCA-133274-60476576-P; 228144-1-67; 33784465-1; 1

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Detach and return this portion with payment using enclosed envelope

**Amount Due: \$97.50**

Service Provider: **Quest Diagnostics Incorporated**

Date of Service: **May 16, 2013**

Invoice Number: **8622789080**

Pin Number: [REDACTED]

Name: David Hall  
Street Address: 603 Davenport Ave  
City, State Zip: Saginaw, MI 48602

To pay online: [www.pay.amcaonline.com](http://www.pay.amcaonline.com)

☐ VISA

☐ MASTERCARD

Card #:

Exp. Date:

Amount:

Signature:

Client Code: AUA

Account: 8622789080

AccountPay Number: [REDACTED]

L1Q AJA 868

AMCA  
PO BOX 1235  
ELMSFORD, NY 10523-0935



EXHIBIT D

AUA097508622789080+++++2

IMPORTANT NOTICE

001078 0101

000000361-A

653413D (P)



02 L2Q AUA 868 8622789080

DAVID HALL  
603 DAVENPORT AVE  
SAGINAW, MI 48602-5616



Pin Number: [REDACTED]  
1-800-365-3638  
1-914-345-7125

November 25, 2013

Dear David Hall:

You have not responded to our previous notice.

If you do not respond we will assume that you do not dispute the debt in question and your account will be classified as a valid and undisputed debt and subject to collection in full.

For your reference, the \$97.50 you owe is for laboratory tests ordered by your physician and performed by our client. These charges were not included in any invoices you received from your doctor or hospital.

If we do not receive payment we will continue to pursue collections. We urge you to take care of this matter promptly. You may call us at the telephone number above if you have any questions. Otherwise, please mail your payment with the bottom portion of this letter.



1794-AMCA-134195-61765778-P; 229490-2-466; 33894316-1; 1

SEE REVERSE SIDE FOR IMPORTANT INFORMATION. Detach and return this portion with payment using enclosed envelope

**Amount Due: \$97.50**

Service Provider: **Quest Diagnostics Incorporated**

Date of Service: **May 16, 2013**

Invoice Number: **8622789080**

Pin Number: [REDACTED]

Name: **David Hall**  
Street Address: **603 Davenport Ave**  
City, State Zip: **Saginaw, MI 48602**

To pay online: [www.pay.amcaonline.com](http://www.pay.amcaonline.com)

☐ VISA ☐ MASTERCARD

Card #: [REDACTED]

Exp. Date: \_\_\_\_\_ Amount: \_\_\_\_\_

Signature: \_\_\_\_\_

Client Code: **AUA** Account: **8622789080**

AccountPay Number: [REDACTED]  
L2Q AUA 868

AMCA  
PO BOX 1235  
ELMSFORD, NY 10523-0935



AUA097508622789080+++++2

EXHIBIT E

SERIOUSLY PAST DUE

# AMCA

**AMERICAN MEDICAL COLLECTION AGENCY**



002989 0101

03 L3Q AUA 868 8622789080

DAVID HALL  
603 DAVENPORT AVE  
SAGINAW, MI 48602-5616



4 Westchester Plaza Suite 110  
Elmsford, NY 10523

Pin Number: [REDACTED]  
1-800-365-3638  
1-914-345-7125

December 26, 2013

Dear David Hall:

Your account is **SERIOUSLY DELINQUENT** and we must advise you as follows:

This agency seeks collection of this long overdue invoice.

Your debt in the amount of **\$97.50** is for laboratory tests ordered by your physician.

Your lack of response suggests you assume responsibility for this debt.

Your account information has been placed with our agency for the purpose of obtaining payment.

You can resolve this matter quickly and easily by sending payment in full without delay. Otherwise, we must inform you that further collection efforts will be pursued.

1794-AMCA-135107-62876991-P; 230922-2-296; 33999499-1; 1

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Detach and return this portion with payment using enclosed envelope

**Amount Due: \$97.50**

Service Provider: **Quest Diagnostics Incorporated**Date of Service: **May 16, 2013**Invoice Number: **8622789080**

Pin Number: [REDACTED]

Name: David Hall  
Street Address: 603 Davenport Ave  
City, State Zip: Saginaw, MI 48602

To pay online: [www.pay.amcaonline.com](http://www.pay.amcaonline.com)☐ VISA☐ MASTERCARD

Card #:

Exp. Date:

Amount:

Signature:

Client Code: AUA

Account: 8622789080

AccountPay Number: [REDACTED]

L3Q AUA 868

AMCA  
PO BOX 1235  
ELMSFORD, NY 10523-0935



EXHIBIT F

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